

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STEVEN DWAYNE GILBERT	§	
VS.	§	CIVIL ACTION NO. 1:22cv219
BRAD LIVINGSTON	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff Steven Dwayne Gilbert, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983. The Court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable orders of this Court. Judge Hawthorn has submitted a Report and Recommendation of United States Magistrate Judge recommending that this case be dismissed for failure to state claim upon which relief may be granted.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed a document entitled Objection and Response. However, Plaintiff did not take issue with the analysis contained in the Report and Recommendation or specifically contest the recommendation for dismissal. Instead, Plaintiff stated that the Jasper County Jail, where he was incarcerated when he filed this document, did not have a law library and that, as a result, he did not have access to legal books to consult to prepare actual objections.

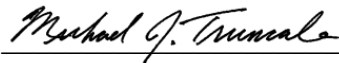
Plaintiff subsequently notified the court that he had been transferred to a unit of the Texas Department of Criminal Justice, Correctional Division (“TDCJ-CID”). As TDCJ-CID units maintain law libraries, the Court entered an order giving Plaintiff 20 days to file supplemental instructions. This time period has expired without supplemental objections being filed.

Construing the objections filed as contesting the Report and Recommendation generally, the court has conducted a *de novo* review of the Report and Recommendation. Based on the authorities cited in the Report and Recommendation, the Court agrees with Judge Hawthorn's recommendation.

ORDER

Accordingly, Plaintiff's objections [Dkt. 5] are **OVERRULED**. The findings of fact and conclusions of law of Judge Hawthorn are correct and the Report and Recommendation of United States Magistrate Judge [Dkt. 3] is **ACCEPTED**. A final judgment shall be entered dismissing this lawsuit.

SIGNED this 25th day of April, 2023.



Michael J. Truncala
United States District Judge